

PRELIMINARY AMENDMENT

Serial Number: 09/382,442

Filing Date: August 25, 1999

Title: METHOD FOR REDUCING SINGLE BIT DATA LOSS IN A MEMORY CIRCUIT

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REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on February 21, 2001, and the references cited therewith.

Claims 1, 3, 8, 9, 26, 35, and 37 are amended, no claims are canceled, and no claims are added; as a result, claims 1-14, 26-32 and 35-39 are now pending in this application.

§103 Rejection of the Claims

Claims 1-14, 26-32, and 35-38 were rejected under 35 USC § 103(a) as being unpatentable over Lisenker et al. (WO 94/19829). The Examiner acknowledges that the Lisenker et al. reference does not describe nonvolatile memory cells. The Examiner states that the benefit of reducing single bit memory loss is not claimed as it was present only in the Preamble. The Applicant has amended claims in order to claim the feature of reducing single bit memory loss.

The Examiner basis the rejection of obviousness on the idea that the claimed invention is a "field effect structure which is clearly described in the reference." However, there is no cite in the reference that describes single bit data in a memory, FLASH memory, or any statement that deuterium treatment remedies single bit data loss. The Applicant asserts that the Examiner is using the present invention as a guide in determining that the claims are obvious.

The Applicant respectfully requests that the claims as amended by allowed.

Claim 39 was rejected under 35 USC § 103(a) as being unpatentable over Lisenker et al. (WO 94/19829) as applied to claims 1-14, 26-32, and 35-38 above, and further in view of Aomori et al. (U.S. Patent No. 5,504,020). For reasons discussed, the Applicant asserts that the Lisenker et al. patent does not render the present invention obvious. The Aomori et al. patent does not describe a use of hydrogen isotopes at all and therefore cannot render the present invention obvious.

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612 373-6976) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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This paper or fee is being deposited on the date indicated above with the United States Postal Service pursuant to 37 CFR 1.10, and is addressed to Box CPA, Commissioner for Patents, Washington, D. C. 20231.